

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 JUN 30 AM 9:56

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan VASALLO-Martinez

Defendant.

) Magistrate Case No. 08 MJ 1986

) COMPLAINT FOR VIOLATION OF DEPUTY

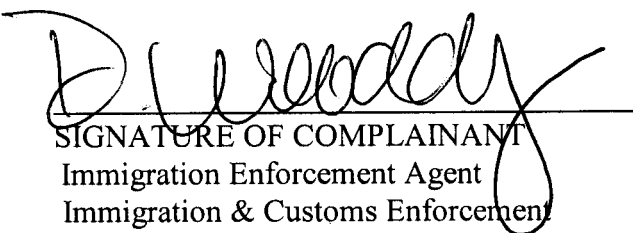
) Title 8, U.S.C., Section 1326;

) Deported Alien Found in the
) United States

The undersigned complainant, being duly sworn, states:

On or about, **June 7, 2008**, within the Southern District of California, defendant, **Juan VASALLO-Martinez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **30th** DAY OF **June 2008**.


UNITED STATES MAGISTRATE JUDGE

Amended**PROBABLE CAUSE STATEMENT**

On June 7, 2008, the defendant identified as **Juan VASALLO-Martinez** was apprehended by the United States Border Patrol near Tecate, CA. Record checks revealed that defendant was a parole violator, and therefore a Parole Hold was issued, and he was booked into San Diego Central Jail for 3056PC "VIOLATION OF PAROLE". On June 8, 2008, an Agent with the United States Border Patrol determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from local custody. On June 27, 2008, the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE). A Deportation Officer reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was ordered removed from the United States by an Immigration Judge on or about January 31, 2008 and physically removed to Mexico on or about June 2, 2008 via the Calexico Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Juan VASALLO-Martinez, a citizen and national of Mexico.

PROBABLE CAUSE STATEMENT

I, United States Immigration and Customs Enforcement (ICE) Deportation Officer, John Mleczko, declare under penalty of perjury the following to be true and correct.

On June 3, 2008, the defendant identified as Juan VASALLO-Martinez was apprehended by the United States Border Patrol near Tecate, CA. Record checks revealed that defendant was a parole violator and therefore a Parole Hold was issued, and he was booked into San Diego Central Jail for 3056PC "VIOLATION OF PAROLE". On June 3, 2008, an Agent with the United States Border Patrol determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from local custody. On June 27, 2008, the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE). A Deportation Officer reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration, computer database record checks and information contained in the Alien Registration file revealed that the defendant was ordered removed from the United States by an Immigration Judge on or about January 31, 2008 and physically removed to Mexico on or about June 2, 2008 via the Mexican Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to reenter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint Identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Juan VASALLO-Martinez, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

EXECUTED ON THIS 27th DAY OF June 2008 AT .


John Mleczko
Deportation Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on June 7, 2008 in violation of Title 8, United States Code, Section 1326.


U.S. MAGISTRATE JUDGE

6/27/08 at 8:33am
DATE / TIME